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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,914	11/09/2001	Luc E. Julia	ORBN.P101	1477

30554 7590 02/04/2008
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EXAMINER

HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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02/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/006,914	Applicant(s) JULIA ET AL.	
	Examiner Farzana E. Hossain	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7, 15-18, 23, 24, 30-32 and 38-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 15-18, 23, 24, 30-32 and 38-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>08/22/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to communications filed 11/14/2007. Claims 1-6, 8-14, 19-22, 25-29, 33-37 are cancelled. Claims 7, 15-18, 30-32 and 38-41 are amended. Claims 23 and 24 have been previously presented. Claims 42-48 are new.
2. Claim 41 has a "NEW" heading. However, Claim 41 was added in the last amendment dated 03/19/2007. The current claim 41 should have had a "Currently Amended" heading.

Response to Arguments

3. Applicant's arguments with respect to claims 15-18, 23, 24, 30-32, 38-48 have been considered but are moot in view of the new ground(s) of rejection.
4. Applicant's arguments filed 11/14/2007 have been fully considered but they are not persuasive.

Regarding Claim 7, the application argues that Ellis does not teach email retrieval and network browsing and only a point to point connection.

In response to the argument, Ellis teaches email retrieval or sending and receiving emails and network browsing (Page 17, paragraph 0176, Figure 24, Figures 2a-d, 19, Figures 6a-c, 19, Page 7, paragraph 0093-0094, Page 3, paragraph 0029, Page 9, paragraph 0106, Pages 10-11, paragraph 0119, Page 17, paragraph 0180). Ellis also teaches that link 19 can include Internet and a computer network (Figures 2a-2d, 6a-6c, Page 7, paragraph 0094). See new rejection for remaining limitations.

Claim Objections

5. The following claims are objected to because of the following informalities:
 - a. Claim 7 recites "the command over the network. (ii)". The examiner suggests --"the command over the network (ii)"--.
 - b. Claim 7 recites, "anyone." The examiner suggests --any one--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under

the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Harrison et al (US 2004/0045039 and hereafter referred to as "Harrison").

Regarding Claim 15, Harrison discloses a method for interacting with a TV system, the method comprising: receiving one or more signals corresponding to a broadcast of a TV content (Page 2, paragraph 0031); and

causing display of an audio and video content from the broadcast (Page 2, paragraph 0032, Pages 6-7, paragraphs 0067, 0069) and

receiving, from over the network, an input from the palmtop computer correspond to the user responding to one or more audio-video events that depict one or more corresponding actions during the audio and video content of the broadcast (Page 4, paragraph 0051, Page 5, paragraphs 0055, 0058, Page 6, paragraphs 0062 –0065, Page 7, paragraph 0071)

wherein the palmtop computer includes a graphic user interface (Figure 7, 208), and the hand held device inherently includes an operating system as the palmtop computer uses as the operating system makes the computer functional to perform all necessary functions of displaying associated data and allowing interaction by the user (Figure 7, Page 7, paragraph 0071). Harrison discloses processing the input in connection with one or more events (Page 7, paragraph 0071, Page 2, paragraphs 0031-0032).

Regarding Claim 16, Harrison discloses all the limitations of Claim 15. Harrison discloses the TV system includes a TV combined with a separate or integrated set top box (STB) (Figure 10a, Figure 10b).

Regarding Claim 17, Ellis discloses all the limitations of Claim 15. Ellis discloses transmitting an interactive component of the one or more signals of the broadcast to the palmtop computer (Page 2, paragraph 0032, Page 4, paragraph 0051, Page 5, paragraphs 0055, 0058, Page 6, paragraphs 0062 – 0065, Page 7, paragraph 0071) and displaying the portion of the interactive component on the palmtop computer (Page 7, paragraph 0071); wherein receiving the input corresponding to the user responding to the one or more events further includes receiving the input through the user interacting with the interactive component of the broadcast (Page 7, paragraph 0071).

Regarding Claim 18, Harrison discloses all the limitations of Claim 17. Harrison discloses transmitting the interactive content of the broadcast to the palmtop computer includes transmitting the interactive content from a network (Page 4, paragraph 0051, Page 5, paragraphs 0055, 0058, Page 6, paragraphs 0062 – 0065, Page 7, paragraph 0071).

8. Claims 32, 38-41 and 43-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Dureau et al (US 2002/0056112 and hereafter referred to as "Dureau").

Regarding Claims 32, Dureau discloses method for interacting with a display device and (Figure 1, Figure 2, Pages 1-2, paragraphs 0019, 0020), the method comprising: receiving a broadcast of audio and video content; an interactive multimedia or TV signal (Pages 1-2, paragraphs 0019, 0020), and communicates at least a portion of the broadcast to the palmtop computer using network (Page 3, paragraph 0028, Figure 2, Page 4, paragraph 0033, Pages 7-8, paragraphs 0062-0065); displaying content from the multimedia signal or TV signal on the display device wherein the content includes audio and video (Page 2, paragraph 0020, 0021), enabling a user on a palmtop computer or remote control unit to respond to one or more audio-video event in the audio video content including receiving input from a network corresponding to the user manipulating the palmtop computer is in wireless communication with the network (Page 8, paragraph 0065, Page 3, paragraph 0028); and enabling the input from the user to be communicated over the network to one or more participants who are also receiving the multimedia signal and interacting with the audio video event using corresponding palmtop computers or communicating input of game answers and scores to other participants watching the program to their corresponding home digital assistants (Page 8, paragraph 0065).

Regarding Claims 38, Dureau discloses method for interacting with a display device and a system for providing broadcast content to a user (Figure 1, Figure 2, Pages 1-2, paragraphs 0019, 0020), the method and system comprising: a palmtop computer (Figure 1, 10a-c) including a graphic user

interface (figure 4, 87), the palmtop computer being wirelessly coupled to a network (Page 3, paragraph 0028). The palmtop or the home digital assistant inherently includes an operating system as the palmtop computer uses as the operating system makes the computer functional to perform all necessary functions of displaying associated data and allowing interaction by the user (Page 3, paragraph 0029, Page 8, paragraphs 0065, Page 7, paragraph 0051). Harrison discloses a receiver system coupled to the network (Page 3, paragraph 0026, Figure 2, 24, Page 3, paragraph 0028), the receiver system is configured to receive a broadcast of audio and video content; an interactive multimedia or TV signal (Pages 1-2, paragraphs 0019, 0020), and communicates at least a portion of the broadcast to the palmtop computer using network (Page 3, paragraph 0028, Figure 2, Page 4, paragraph 0033, Pages 7-8, paragraphs 0062-0065); displaying content from the multimedia signal or TV signal on the display device wherein the content includes audio and video (Page 2, paragraph 0020, 0021), the broadcast being communicated to a plurality of systems that are used by a plurality of users (Page 2, paragraphs 0024), wherein the palmtop computer is configured to enable the user to enter one or more inputs in response to occurrence of one or more audio-video events in the broadcast (Page 8, paragraph 0065); wherein the receiver system is configured to receive the one or more inputs from the palmtop computer and enable the one or more other participants who are also receiving the broadcast and respond to the occurrence of the one or more audio-video events (Page 8, paragraph 0065).

Regarding Claim 46, Dureau discloses system for providing a broadcast to multiple users (Figure 1, Figure 2, Pages 1-2, paragraphs 0019, 0020), the system comprising: a plurality of palmtop computers, wherein each palmtop computer includes a graphic user interface (figure 4, 87), the palmtop computer being wirelessly coupled to a network (Page 3, paragraph 0028). The palmtop or the home digital assistant inherently includes an operating system as the palmtop computer uses as the operating system makes the computer functional to perform all necessary functions of displaying associated data and allowing interaction by the user (Page 3, paragraph 0029, Page 8, paragraphs 0065, Page 7, paragraph 0051). Dureau discloses wherein each palmtop computer is configured to communicate with a corresponding receiver system over the network (Page 3, paragraph 0028, Figure 2, Page 4, paragraph 0033, Pages 7-8, paragraphs 0062-0065), each receiver system receiving the broadcast containing audio and video content and communicate at least a portion of the broadcast to the corresponding one of the palmtop computers using the network (Page 3, paragraph 0028, Figure 2, Page 4, paragraph 0033, Pages 7-8, paragraphs 0062-0065); and wherein each palmtop computer is configured to enable the user to enter one or more inputs in response to occurrence of (i) one or more audio-video events in the broadcast (Page 3, paragraph 0028, Figure 2, Page 4, paragraph 0033, Pages 7-8, paragraphs 0062-0065) and (ii) one or more inputs from any of the other palmtop computers in the plurality of palmtop computers that include an input from another user responding to the one ore more audio events (Page 8, paragraph 0065).

Regarding Claim 39, Dureau discloses all the limitations of Claim 38. Dureau discloses a display device displaying content from the TV broadcasts (Figure 2, Page 2, paragraph 0021).

Regarding Claim 40, Dureau discloses all the limitations of Claim 38. Dureau discloses that the palmtop computer is operable to enable a user to communicate a command for the display device or the receiver system (Page 7, paragraph 0061).

Regarding Claim 41, Dureau discloses all the limitations of Claim 38. Ellis discloses receiving system includes a console or a set top box (Page 3, paragraph 0026).

Regarding Claim 43, Dureau discloses all the limitations of Claim 38. Dureau discloses the broadcast is provided by a television signal and wherein the racier system is configured to receive and use the television signal (Figure 1, Figure 2, Pages 1-2, paragraphs 0019, 0020, Pages 7-8, paragraphs 0062-0065).

Regarding Claim 44, Dureau discloses all the limitations of Claim 38. Dureau disclose the television signal is interactive (Pages 1-2, paragraphs 0019, 0020, Pages 7-8, paragraphs 0062-0065).

Regarding Claim 45, Dureau discloses all the limitations of Claim 38. Dureau disclose the broadcast depicts audio and video from a game (Page 7, paragraph 0061, Page 8, paragraph 0065). It is well known in the art that a game show has multiple participants as a game show is a competition for a prize.

9. Claim 48 is rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US 2005/0028208 and hereafter referred to as "Ellis").

Regarding Claim 48, Ellis discloses a system for providing television content, the system comprising: a receiver system coupled to the network, wherein the receiver system is configured to receive (i) receive a broadcast of a TV program containing audio and video content (Page 4, paragraphs 0068-0069, Page 12, paragraph 0133) and (ii) communicate that audio and video content of the television program to one or more palmtop computers using a network (Figure 2a, 19, Page 12, paragraphs 0133, 00135); wherein the receiver system is configured to enable the user to access, via the palmtop computer that is locally stored on the receiver system (Page 12, paragraph 0133).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 7, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Burnett et al (WO 01/31852 and hereafter referred to as "Burnett").

Regarding Claim 7, Ellis discloses a system for interacting with multiple network devices (Figure 2a, 22, 19, 24, Figure 6a, 24, 22, Page 13, paragraph 0138, Figure 2a, 19, Page 2, paragraph 0017), the system comprising:

a palmtop computer (Figure 5, paragraph 0059) that is wirelessly connected to a network (Page 7, paragraphs 0093, 0094, Page 5, paragraph 0077, Figures 2a-d, 19, Figures 6a-d, 19, Page 7, paragraph 0094), wherein the palmtop computer includes a graphic user interface (Page 7, paragraph 0092), and palmtop computer inherently includes an operating system as the palmtop computer uses as the operating system makes the computer functional to perform all necessary functions (Page 7, paragraph 0092, Figure 2a).

Ellis discloses the palmtop computer is operable to communicate on the network (Page 13, paragraph 0138, Figures 2a-d, 19, Figures 6a-6c, 19 Page 2, paragraph 0017) in order to (i) to receive an input corresponding to a command (Page 5, paragraph 0074, Page 13, paragraph 0138, Page 6, paragraph 0083, Page 7, paragraph 0093), wherein the palmtop computer is configured to transmit the command over the network (Page 13, paragraph 0138, Figure 2a, 19, Figure 6a, 19), (ii) enable browsing of web content over the Internet (Page 17, paragraph 0176, Figure 24) and (iii) retrieve emails from over the Internet or the remote program guide access device has an email application for sending and receiving emails and also adjusting settings for email application over the Internet (Figure 2a, 19, Figure 6a, 19, Page 7, paragraph 0093-0094, Page 3, paragraph 0029, Page 9, paragraph 0106, Pages 10-11, paragraph 0119, Page 17, paragraph 0180);

a receiver provided with the display device (Figure 2a, 22, Figure 3, 28), wherein the receiver is configured to receive a multimedia transmission from one of a broadcast or digital cable connection (Page 6, paragraph 0080, Page 4, paragraph 0068), and wherein the receiver is interconnected (i) to a display device to cause the display device to display audio-video content from the multimedia transmission (Page 6, paragraph 0080, Figure 2a, Figure 6a) and (ii) to the palmtop computer through the network (Figure 2a, 19, Figure 6a, 19) in order to receive the command transmitted from the palmtop computer (Page 13, paragraph 0138, Figure 2a, 19); wherein the receiver is configured to receive the signal from the palmtop computer and to transmit the signal to the display device to change a state of the display device (Page 13, paragraph 0138, Figure 2a, 19) and

wherein the receiver is configured to control any one of a plurality of devices with the command, the plurality of devices including (i) a set of one or more audio-video devices that are capable of receiving or generating audio-video content from the multimedia transmission (Page 13, paragraph 0138, Figure 2a, 19, Page 2, paragraph 0017). Ellis is silent on a set of one or more non audio-video devices that are not capable of receiving or generating audio-video content from any multimedia transmission. Burnett discloses receiver is configured to control any one of a plurality of devices with the command, the plurality of devices including (i) a set of one or more audio-video devices that are capable of receiving or generating audio-video content from the multimedia transmission and (II) a set of one or more non audio-video devices that are not capable of

receiving or generating audio-video content from any multimedia transmission (Column 7, lines 11-28, Page 8, lines 20-28, Page 9, lines 1-22, Figure 4, Management Terminal and Controlled Device). Therefore, it would have been obvious to one of ordinary skill in the art to modify Ellis to include (II) a set of one or more non audio-video devices that are not capable of receiving or generating audio-video content from any multimedia transmission (Column 7, lines 11-28, Page 8, lines 20-28, Page 9, lines 1-22, Figure 4, Management Terminal and Controlled Device) as taught by Burnett in order to remotely control a physical device using a protocol compliant interface using any network with any Web browser in order to monitor functions in a physical device (Page 1, lines 4-7, age 2, line 3-12) as disclosed by Burnett.

Regarding Claim 23, Ellis and Burnett disclose all the limitations of Claim 7. Ellis discloses that the receiver is provided by a set top box (Figure 3, 28).

Regarding Claim 24, Ellis and Burnett disclose all the limitations of Claim 7. Ellis discloses that the receiver is provided with a display device or a personal computer television (Page 7, paragraph 0088).

12. Claims 30, 31 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Lortz (US 6,349,410).

Regarding Claim 30, Harrison discloses a method for interacting with a display device (Figure 9a, 42), method for interacting with a television system (Figure 9a, 34), and a system for providing TV content, the methods and systems comprising: a receiver receiving an interactive multimedia or TV signal (Figure

9a, 36, Figure 9c, 36, Page 2, paragraph 0031, Pages 6-7, paragraphs 0067, 0069), displaying content from the multimedia signal or TV signal on the display device wherein the content includes audio and video (Page 2, paragraphs 0031, 0032, Pages 6-7, paragraphs 0067, 0069), receiving, from a network or wireless medium, input corresponding to user manipulating a palmtop computer that is in communication with the at least one of display device or the network or wireless medium to respond to one or more events (Page 4, paragraph 0051, Page 5, paragraph 005, Page 6, paragraphs 0062 –0065, Page 7, paragraph 0071).

Harrison discloses communicating at least a portion of the television signal to the palmtop (Pages 6-7, paragraphs 0067, 0069). Harrison discloses receiving on the network and receiving on the palmtop computer, the portion of the interactive multimedia signal using a wireless communication component that couples the palmtop computer to the network (Page 4, paragraph 0051, Page 5, paragraph 005, Page 6, paragraphs 0062 –0065, Page 7, paragraph 0071). Harrison is silent on receiving input corresponding to user manipulating a palmtop computer to respond to one or more events that are depicted as actions in the program.

Lortz discloses receiving, input corresponding to user manipulating a palmtop computer that is in communication with the at least one of display device to respond to one or more events that are depicted as actions in the program (Column 5, lines 40-65, Column 6, lines 13-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harrison to include receiving, input corresponding to user manipulating a palmtop computer that is in communication with the at least one of display device

to respond to one or more events that are depicted as actions in the program (Column 5, lines 40-65, Column 6, lines 13-50) as taught by Lortz in order to allow the viewer to pause the main programming so as not to miss a program (Column 1, lines 60-67, Column 2, lines 1-10) as disclosed by Lortz.

Regarding Claim 31, Harrison and Lortz disclose all the limitations of Claim 30. Harrison discloses receiving an interactive signal is an interactive television signal that is communicated through a broadcast, digital cable connection or the Internet (Page 2, paragraph 0033).

Regarding Claim 47, Harrison and Lortz disclose all the limitations of Claim 30. Harrison discloses communicating the input as entered in response to the one or more events to one or more locations where multimedia signal corresponding to the content is received or created (Page 7, paragraph 0071).

13. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau in view of Herigstad et al (US 2002/0100063 and hereafter referred to as "Herigstad")

Regarding Claim 42, Dureau discloses all the limitations of Claim 38. Dureau is silent on a Wireless Fidelity network. In analogous art, Herigstad discloses that the palmtop computer is coupled to a Wireless Fidelity network (Page 3, paragraph 0039). Therefore, it would have been obvious at the time the invention was made to modify Ellis to include palmtop computer is coupled to a Wireless Fidelity network (Page 3, paragraph 0039) as taught by Herigstad in

order to provide more ways to connect the receiver and the mobile device so as to expand the TV viewing experience.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 7:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH
January 24, 2008


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